

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 97-026**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **2. Form, Style and Placement in Administrative Code**

a. If Clearinghouse Rule 97-026 is promulgated after Clearinghouse Rule 97-004, Clearinghouse Rule 97-026 should repeal and recreate ch. Comm 113, rather than repealing ch. DOD 13 and creating ch. Comm 113.

Also, the rule could be simplified by merely repealing and recreating those portions of ch. Comm 113 that allocate the volume cap, rather than repealing and recreating the entire chapter.

b. In the department’s analysis, the second full paragraph states that the 1998 rule is “identical” to the 1997 rule. However, the last paragraph of the analysis states that it is “substantially the same.” This should be clarified.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

Section Comm 113.07 (5) refers to termination of allocations “. . . pursuant to subs. (6) and (8).” However, there is no sub. (8) in s. Comm 113.07 and sub. (6) relates to approval of an allocation in excess of \$5 million. Is the correct cite s. Comm 113.06 (6) and (8)?